

Notice of Allowability

Application No.

10/809,589

Examiner

Shawn Gu

Applicant(s)

FORRER ET AL.

Art Unit

2189

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 23 August 2006 and the telephonic interview on 25 October 2006.
2. ☒ The allowed claim(s) is/are 1,2 and 4-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20061010</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Response to Amendment

1. This Office action is in response to the amendment filed 23 August 2006. Claims 1-2, 4-20 have been allowed. Claim 3 has been cancelled.

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James Skarsten (REG #: 28,346) on 25 October 2006.

3. In the Claims, the following amendments have been made:

In claim 1:

on line 11, remove "and".

on line 14, remove "." and insert "; and".

on line 15, insert indention and "using a third read/write head associated with a third storage segment on said individual storage hard drive to store parity information pertaining to data stored on said first and second data storage segments."

In claim 8:

on line 11, remove "and".

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on line 15, remove "." and insert "; and".

on line 16, insert indentation and "means for associating a third read/write head associated with a third storage segment on said individual storage hard drive to store parity information pertaining to data stored on said first and second data storage segments."

In claim 15:

on line 1, replace "computer-readable" with "storage".

on line 11, remove "and".

on line 15, remove "." and insert "; and".

on line 16, insert indentation and "fifth instruction for associating a third read/write head associated with a third storage segment on said individual storage hard drive to store parity information pertaining to data stored on said first and second data storage segments."

Statement of Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance:

Per claim 15, the limitation "computer-readable medium" has been replaced with "storage medium", which includes recordable-type media, such as a floppy disk, a hard disk drive, a RAM, CD-ROMs and DVD-ROMs. However, transmission type medium such as digital and analog communications links, wired or wireless communications links do not constitute "storage medium". Regarding the Applicant's argument filed on

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23 August 2006 (see page 2, last paragraph in Remarks/Arguments), data packets that continuously circulate in a closed loop of communication links do not constitute a statutory storage element according to "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" (see page 57, last paragraph). Data packets are considered to be a signal, which does not fall within one of the four statutory classes of 35 U.S.C 101.

Per claims 1, 8 and 15, the prior art cited (Jun [US 2004/0179386 A1]) teaches a first read/write head and a second read/write head associated with a first data storage segment and a second data storage segment, respectively. However, Jun and other known references fail to teach a third read/write head associated with a third data storage segment on the same hard drive, used to store parity information pertaining to data stored on the first and the second data storage segments.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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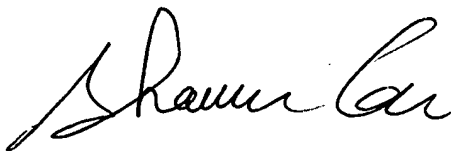
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn Gu whose telephone number is (571) 272-0703.

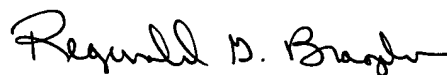
The examiner can normally be reached on 9am-5pm, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Reginald Bragdon can be reached on (571) 272-4204. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Shawn X Gu
Patent Examiner
Art Unit 2189



REGINALD BRAGDON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

25 October 2006